

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TAMMY KITZMILLER, et al.,

Plaintiffs,

v.

DOVER AREA SCHOOL DISTRICT and
DOVER AREA SCHOOL DISTRICT
BOARD OF DIRECTORS,

Defendants.

)
)
) Case No. 04-CV-2688
) (Hon. Judge Jones)
)
)

**DEFENDANTS' MOTION
FOR SUMMARY
JUDGMENT PURSUANT
TO FED. R. CIV. P. 56**

Defendants Dover Area School District and Dover Area School District Board of Directors, through counsel, hereby move this Court for a judgment in their favor as to all claims pursuant to Fed. R. Civ. P. 56.

Defendants contend that there is no genuine issue as to any material fact and that they are entitled to a judgment as a matter of law.

In support of their motion, Defendants rely upon the pleadings and papers of record, as well as Defendants' Brief in Support of Motion for Summary Judgment,

and Defendants' Statement of Material Facts Pursuant to LR 56.1 and the declarations, depositions, and exhibits attached thereto.

Pursuant to LR 7.1, Defendants' counsel sought concurrence in this motion from Plaintiffs' counsel on July 8, 2005, and it was denied.

WHEREFORE, Defendants respectfully asks this Court to grant their motion and enter judgment in their favor as to all claims.

Respectfully submitted this 13th day of July, 2005.

By:



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CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2005, a copy of the foregoing Defendants' Motion for Summary Judgment Pursuant to Fed. R. Civ. P. 56, Defendants' Statement of Material Facts Pursuant to LR 56.1, and Defendants' Brief in Support of Motion for Summary Judgment were served on the following counsel through the electronic case filing system:

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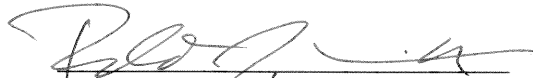
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A handwritten signature in black ink, appearing to read 'Robert J. Muise', written over a horizontal line.

Robert J. Muise*

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